Appln No. 09/955,278
Amdt date December 6, 2006
Reply to Office action of September 6, 2006

REMARKS/ARGUMENTS

Claims 1-58 and 60-67 are pending of which claims 1, 3, 32, 33, 42 and 44 are independent. Claims 1, 3, 32, 33, 42 and 44 are being amended.

Claims 3-4, 32-34 and 44-45 were found allowable but were objected to for being dependent upon a rejected base claim. Claims 3, 32, and 44 are rewritten into independent form and are now allowable. Claims 4, 33, 34 and 45 now depend from allowable base claims and are also allowable. Withdrawal of the rejection and allowance of claims 3-4, 32-34 and 44-45 are requested. Claims 33 is amended to correct a grammatical error.

Claims 1-2, 5-7, 9-20, 24-24, 27-31, 35-41, 42-43, 46-48, 50-58, 60-61 and 65-67 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,967,988 ("Wedding"). Claims 21 and 62 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wedding. Claims 1 and 42 are amended for grammar related informalities.

Claim 1 recites in part "wherein <u>a weighting function is applied to at least one of said filtered data signals</u> received from said controllable analog filter <u>to emphasize a first portion of said filtered data signal over a second portion of said filtered data signal</u>, said <u>first portion corresponding to a middle point of a signal eye pattern</u> representing signal amplitude versus time and said <u>second portion corresponding to a zero crossing point of said signal eye pattern</u>." (Emphasis added). Applicants submit that claim 1 is not taught or suggested by Wedding and is patentable over this reference.

The Office action cites to the weighting unit 25 of figure 2 of Wedding for applying a weight function. The weighting unit of Wedding applies a convergence criterion which is introduced from outside and results in a faster or slower adaptation of the adaptive equalizer in

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the optical receiver of Wedding. (Wedding, col. 1, lines 50-55; col. 4, lines 11-12). However, Wedding does not discuss an eye pattern or the relationship of the weighting unit 25 with different portions of the eye pattern. As such, "a weighting function ... to emphasize a first portion of said filtered data signal over a second portion of said filtered data signal, said first portion corresponding to a middle point of a signal eye pattern ... and said second portion corresponding to a zero crossing point of said signal eye pattern" of claim 1 does not appear to be taught or suggested by Wedding.

The Office action also mentions, in rejection of claims 21 and 62, that the prior art figure 1 of the application discloses an eye monitor and finds it obvious to use the eye monitor of figure 1 in the system of Wedding to monitor the error generated by the error generator and to adjust the filter based on the monitored error. (Office action, p.4, item 6.) However, even if the use of an eye monitor were obvious, which is not admitted, there is no indication in Wedding or in the prior art figure 1 of the application of how the eye monitor could or should be used.

Claims 2 and 5-26 depend from claim 1 and are believed allowable based on claim 1.

Claim 27 recites in part "applying a weighting function at least one of said filtered data signals to emphasize a first portion of said filtered data signal over a second portion of said filtered data signal, said first portion corresponding to a middle point of a signal eye pattern representing signal amplitude versus time and said second portion corresponding to a zero crossing point of said signal eye pattern." Claim 27 is believed to be patentable over Wedding for reasons similar to those discussed regarding claim 1.

Claims 28-31 and 35-41 depend from claim 27 and are believed to be allowable based on claim 27.

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Claim 42 recites in part "wherein a weighting function is applied to at least one of said filtered data signals received from said controllable analog filter to emphasize a first portion of said filtered data signal over a second portion of said filtered data signal, said first portion corresponding to a middle point of a signal eye pattern representing signal amplitude versus time and said second portion corresponding to a zero crossing point of said signal eye pattern." Claim 42 is believed to be patentable over Wedding for reasons similar to those discussed regarding claim 1.
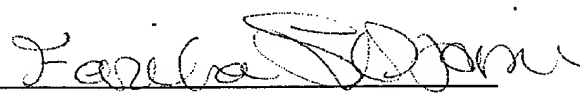
Claims 43, 46-58 and 60-67 depend from claim 42 and are believed to be allowable based on this claim.

Accordingly, the application is in condition for allowance, and allowance of pending claims 1-58 and 60-67 is respectfully requested.

Respectfully submitted,

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